

REMARKS

Claims 1-33 were presented for examination in the present application. The instant amendment cancels claims 14 and 28 without prejudice. Thus, claims 1-13, 15-27, and 29-33 are presented for consideration upon entry of the instant amendment.

The Office Action objected to the declaration as being defective. Applicants submit herewith an Supplemental Application Data Sheet in conformance with the requirements of 37 CFR 1.76(c)(2), containing only the information that is changed. It is respectfully submitted that this Supplemental Application Data Sheet obviates the objection to the declaration.

The Office Action objected to the drawings. Specifically, the Office Action asserts that the drawings of the present application use reference character "9" for both the nut and the bolt. Applicants respectfully traverse this objection.

The present application, at least at paragraph [0052], discloses a means of tightening 9 that includes a bolt 9.1 and a nut 9.2. It is respectfully submitted that Figure 8 illustrates the bolt 9.1 of the means of tightening 9, while Figure 9 illustrates the nut 9.2 of the means of tightening 9. Accordingly, it is believed that the drawings of the present application comply with the requirements of 37 CFR 1.84. Reconsideration and withdrawal of the objections to the drawings are respectfully requested.

Claim 28 was rejected under 35 U.S.C. §112, second paragraph. Claim 28 has been cancelled without prejudice, rendering the rejection to this claim moot. Reconsideration and withdrawal of the rejection to claim 28 are respectfully requested.

Claims 1, 9, and 11-13 were rejected under 35 U.S.C. §102 over U.S. Patent No. 4,790,574 to Wagner et al. (Wagner). Claims 1, 2, 10, 12, and 21-22 were rejected under 35 U.S.C. §102 over U.S. Patent No. 3,944,265 to Hiemstra et al. (Hiemstra). Claims 1, 2, 8, 10, 13, 30, 31, and 33 were rejected under 35 U.S.C. §102 over U.S.

Patent No. 4,049,298 to Foti (Foti). Claims 1, 13, and 26-29 were rejected under 35 U.S.C. §102 over U.S. Patent No. 5,362,107 to Bridges (Bridges '107).

Independent claim 1 has been amended to include the elements of claim 14, namely to recite that "said clamping band has two free ends defining a gap between said two free ends, said gap being saddled by a sliding crosspiece". Claims 15-16 and 18-20 have been amended to depend from claim 1 and, not, cancelled claim 14.

It is respectfully submitted that the Office Action fails to assert that Wagner, Hiemstra, Foti, or Bridges '107, alone or in combination, disclose or suggest the sliding crosspiece of original claim 14 and now recited by amended claim 1. Accordingly, reconsideration and withdrawal of the rejections over Wagner, Hiemstra, Foti, and Bridges '107 are respectfully requested.

Claims 1, 3, 4, 13-17, and 19-21 were rejected under 35 U.S.C. §102 over U.S. Patent No. 5,131,698 to Calmettes et al. (Calmettes). Claims 1-3, 5-8, 13-18, and 20 were rejected under 35 U.S.C. §102 over U.S. Patent No. 5,383,496 to Bridges (Bridges '496).

Independent claim 1 has been amended to recite that "said gap being saddled by a sliding crosspiece that slides under said two free ends."

Calmettes discloses a staple 8 that, in the longitudinal direction, is divided into three parts, clearly visible in FIG. 3. The central part 8c presents a length substantially equal to the width of the central part 1a of the bush, whilst the two ends 8d have an approximately triangular shape. These latter are separated from the central part 8c by two grooves 8e, hollowed out on the inner face of the bottom 8a and consequently projecting outwardly. Central part 8c includes seal beads 8f and beads 8g. During tightening of bolt 7, the sides 8b of the staple come into tight abutment on the opposite faces of the lips 3, whilst the bottom 8a is strongly applied on the outer surface of the tubes, thus obturating, virtually completely, the zone of connection of the tubes, thanks

in particular to the presence of seal beads 8f and 8g. See col. 2, line 63 through col. 3, line 35. Thus, the staple of Calmettes stays in the gap between the free ends.

In contrast, claim 1 requires that the gap be saddled by the sliding crosspiece, where the crosspiece slides under the free ends. Thus, the sliding crosspiece of claim 1 does not limit the approach of the two free ends, but rather slides under the free ends. Clearly, the staple of Calmettes, which stays in the gap between the free ends, does not saddle the gap and slide under the free ends as now recited by claim 1.

Bridges '496 discloses a pair of arcuate gaskets extending around and being attached to the inner surface of the cylinder having an axial joint and a sealing plate attached in the space part relation in the inner surface of the cylinder. A portion of the sealing plate extends beyond the axial joint for sealing the fluid pathways. The sealing plate carries a first sealing pad on the extending portion of its outer surface, which sealing pad includes circumferential guide channels for engaging the arcuate gaskets of the cylinder. There is provided a second sealing pad on the other end of the outer surface of the sealing plate, which sealing pad attaches the sealing plate in a spaced apart relation to the inner surface of the cylinder. Further, the sealing plate carries circumferential sealing pad material on its inner surface to engage the arcuate gaskets attached to the inner surface of the cylinder, thereby forming a sealing connection around the pipe by the arcuate gaskets and the circumferential sealing pad material, and along both of the axial pads.

The clamp of claim 1, however, does not require the complex structure of Bridges '496 (i.e., sealing pads, arcuate gaskets, etc). Rather, claim 1 recites the simple combination of a gap that is saddled by a sliding crosspiece, where the crosspiece slides under the free ends.

Accordingly, it is respectfully submitted that amended claim 1 is not disclosed or suggested by Calmettes or Bridges '496 and, thus, claim 1 is believed to be in condition for allowance. Claims 2-13, 15-27, and 29-33 are also believed to be in condition for

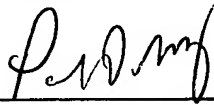
allowance for at least the reason that they depend from claim 1.

In addition, claim 15 recites that the sliding crosspiece is "essentially square". It is respectfully submitted that the staple divided in three pieces of Calmettes is clearly not essentially square as recited by claim 15. Further, it is respectfully submitted that the complex structure of Bridges '496 (i.e., sealing pads, arcuate gaskets, etc) is also clearly not essentially square as recited by claim 15.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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